

Serial No. 09/875,311
Amendment and Response filed February 28, 2007
Reply to Office Action dated 11/30/06

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REMARKS

The Official Action dated November 30, 2006 has been carefully considered. Accordingly it is believed that the following Remarks place the application in condition for allowance. Reconsideration is respectfully requested.

First, Applicants note that claims 43 and 44 are allowed by the Examiner. However, the Examiner failed to indicate that claims 45-49 were pending as a result of the Amendment filed October 10, 2006 and to state that claims 45-49 were also allowed. As these claims all depend upon allowed independent claim 43, Applicants believe that these claims should also be in condition for allowance and thus request an indication of allowance from the Examiner.

In the Official Action claims 1, 4-9, 12, 15, 22-24, 27-29, 31, 32, and 38-42 were rejected under 35 U.S.C. 103(a) as being obvious over Yeiser (WO 98/01223) in view of Smith et al. (U.S. Pat. No. 6,407,051), Toetschinger et al. (U.S. Pat. No. 6,158,673), Gordon et al. (WO 99/20724), or Cardola et al. (WO 99/60086). The Examiner asserted that Yeiser discloses a method/process for cleaning a vehicle comprising contacting the surface with an aqueous cleaning composition and then rinsing the surface with rinse water which is purified through a handheld dispenser which is attached to a hose and in communication with a source of tap water. The Examiner admitted, however, that Yeiser fails to teach a cleansing composition with a pH of less than 9 and a polymer to render the surface hydrophilic. The Examiner then asserted that each of Smith et al., Toetschinger et al., Gordon et al., and Cardola et al. teach a cleaning composition with a pH of less than 9 and a polymer.

However, as will be set forth in detail below, Applicants submit that the processes defined by claims 1, 4-9, 12, 15, 22-24, 27-29, 31, 32 and 38-42 are non-obvious over and are patentably distinguishable from Yeiser in view of Smith et al., Toetschinger et al., Gordon et al.,

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and Cardola et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Particularly, claim 1 recites a process for cleaning a surface, said process comprising the steps of: contacting the surface with an aqueous cleaning composition having a pH of less than 9, wherein the composition comprises a polymer which renders the surface hydrophilic and is selected from the group consisting of: polyvinyl pyrrolidone polymers, polyvinyl pyridine N-oxide polymers, and mixtures thereof and a nanoparticle clay mineral; and then rinsing the surface with purified rinse water which is sprayed from a hand-held spray dispenser.

Yeiser is directed to a handheld water demineralizing sprayer, wherein the sprayer can be used to rinse a vehicle once the vehicle has been washed with an aqueous solution. The Examiner admitted that Yeiser fails to teach an aqueous composition with a pH of less than 9 and a polymer which renders the surface hydrophilic. In addition to the above admitted deficiencies, Yeiser also fails to teach the use of a nanoparticle clay mineral in the aqueous cleaning composition. The Examiner first cites Smith et al. and Toetschinger et al. as overcoming the deficiencies of Yeiser. However, both Smith et al. and Toetschinger et al. fail to mention the use of a nanoparticle clay mineral. Additionally, even though both disclose the use of some polymers as surfactants, they both fail to disclose the use of the polyvinyl pyrrolidone polymers, polyvinyl pyridine N-oxide polymers, and mixtures thereof as required by the claims.

The Examiner's next attempt to overcome the deficiencies of Yeiser was with Gordon et al. Like Smith et al. and Toetschinger et al., Gordon et al. fail to disclose the use of a nanoparticle clay mineral in an aqueous cleaning composition. Additionally, while Gordon et al. discuss the use of polyvinyl pyrrolidone in a hard surface liquid composition, it does so in the context of using it in combination with a polyalkoxyethylene glycol diester (Page 1, lines 23-27). Additionally, Gordon et al. describe their accomplishment as the surprising discovery that the

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combination of the polyalkoxyene glycol diester and polyvinyl pyrrolidone results in a synergistic effect on next-time cleaning performance (Page 1, lines 35-37; Page 2, lines 1-2). Moreover, Gordon et al. teach that there is no need for rinsing when using their cleaning compositions (Page 37, lines 10-14). Thus, one skilled in the art would not look to this reference to teach a process for cleaning a surface where rinsing is not only required, but is disclosed as adding a beneficial effect to the process.

The Examiner's last attempt to overcome the deficiencies of Yeiser was with Cardola et al. Cardola et al. disclose the use of vinylpyrrolidone when in combination with a polysaccharide polymer for acidic cleaning compositions (Column 1, lines 63-67). Additionally, Cardola et al. tout that their combination of vinylpyrrolidone, polysaccharide polymer, and anionic surfactant in an acidic environment unexpectedly give rise to good shine on a surface after cleaning. However, similar to Gordon et al., Cardola et al. fail to teach the use of a nanoparticle clay mineral. Thus, one skilled in the art would again not look to Cardola et al. to teach the advantages of the use of vinylpyrrolidone in combination with a nanoparticle clay mineral. Thus, all references cited by the Examiner fail to overcome the deficiencies in Yeiser.

First, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion or motivation supporting the combination. *In re Gelger*, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987). The Examiner must give some reason why one of ordinary skill in the art would have been prompted to combine the teachings of the cited references to arrive at the claimed invention. Since it is the burden of the Examiner to establish a prima facie case of obviousness, the Examiner cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention. The Examiner has the burden to show teaching or suggestion in the references to support their use in

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the particular claimed combination, *Smith-Kline Diagnostics, Inc. v. Helena Laboratories Corporation*, 8 U.S.P.Q.2d 1468, 1475 (Fed. Cir. 1988).

Additionally, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e. they must place the claimed the invention in the possession of the public, *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). As noted above, Applicants find no teaching, suggestion, or reference in Yeiser in view of Smith et al., Toetschinger et al., Gordon et al., and Cardola et al. of the process of cleaning a surface, said process comprising the steps of: contacting the surface with an aqueous cleaning composition having a pH less than 9, wherein the composition comprises a polymer which renders the surface hydrophilic (selected from the group consisting of: polyvinyl pyrrolidone polymers, polyvinyl pyridine N-oxide polymers, and mixtures thereof) and a nanoparticle clay mineral; and then rinsing the surface with purified rinse water which is sprayed from a hand-held spray dispenser. In addition, Applicants find no teaching, suggesting or reference in Yeiser in view of Smith et al., Toetschinger et al., Gordon et al., and Cardola et al. for modifying the disclosures therein to arrive at the claimed invention.

In view of the failures of Yeiser in view of Smith et al., Toetschinger et al., Gordon et al., and Cardola et al. to teach, suggest or recognize the methods as claimed, the references do not support a rejection of claims 1, 4-9, 12, 15, 22-24, 27-29, 31, 32, and 38-42 under 35 U.S.C. §103. It is therefore submitted that the presently claimed process as defined by claims 1, 4-9, 12, 15, 22-24, 27-29, 31, 32, and 38-42 are non-obvious over and patentably distinguishable from the teachings of Yeiser in view of Smith et al., Toetschinger et al., Gordon et al., or Cardola et al. whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

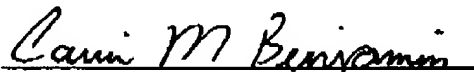
Additionally, Examiner rejected claims 2, 3, 13, 14, 16, and 31 in view of the prior art as applied to claim 1 (Yeiser in view of Smith et al., Toetschinger et al., Gordon et al., or Cardola et

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al.) in view of additionally cited references. However, as the prior art cited against claim 1 failed to render obvious the invention as defined in claim 1, claims 2, 3, 13, 14, 16, and 31 all depend from claim 1, and the additional art cited for each does not alleviate the deficiencies of the prior art cited for claim 1, Applicants submit that claims 2, 3, 13, 14, 16, and 31 are non-obvious over and patentably distinguishable from the prior art. The rejections have therefore been overcome and reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejection set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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